

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:08CR052-P-D

PHILLIP MINGA,

DEFENDANT.

ORDER

This matter comes before the court upon defendant's Motion in Limine to Prevent Introduction of Civil Judgment and Voluntary Surrender of License [21]. After due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

In its response, the Government avers that it will not seek to introduce evidence of the default judgment itself arising from a federal civil action against the defendant. The Government does, however, admit that it intends to present evidence of the underlying facts of the civil action since some of these facts form the basis of the instant criminal prosecution. The defendant did not file a reply voicing any opposition to this concession. Accordingly, the court concludes that the defendant's motion *in limine* should be granted insofar as it seeks exclusion of the default judgment itself.

As to the defendant's voluntary surrender of his insurance license, the defendant argues without detail and without citation to legal authority that admission of such evidence would be unfairly prejudicial. The Government avers that it does not intend to present evidence of the license surrender in its case-in-chief but asks to reserve the right to cross-examine the defendant on the issue of his license surrender – if the defendant takes the stand. The court concludes that decision upon the issue of whether evidence of the defendant's voluntary surrender of his insurance license is

admissible is premature and will be revisited at trial if necessary.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant's Motion in Limine to Prevent Introduction of Civil Judgment and Voluntary Surrender of License [21] is **GRANTED IN PART AND DENIED IN PART** as explained above.

SO ORDERED this the 26th day of February 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE